

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERIK BILAL KHAN,

Petitioner,

v.

No. 16-CV-00102-RB-KBM

UNITED STATES OF AMERICA,

Defendant.

ORDER

THIS MATTER is before the Court on Petitioner Erik Bilal Khan's Motion to Unseal and Unrestrict Case and Docket [Doc. 16], filed on February 25, 2016. Petitioner alleges that "all filings in the case were 'restricted' and could not be viewed or copied in any way," [Doc. 16 at 1-2] and that this restricted electronic access violates the First, Fifth and Sixth Amendments to the United States Constitution.

Upon investigation, the Court has learned that this case was restricted due to a clerical error in the Clerk's Office. Specifically, the case was improperly categorized as "an action or proceeding relating to an order of removal, to relief from removal, or to immigration benefits or detention," and electronic access was restricted in accordance with Fed. R. Civ. P. 5.2(c) (providing that, in such cases, "(1) the parties and their attorneys may have remote electronic access to any part of the case file, including the administrative record; (2) any other person may have electronic access at the courthouse, but may have remote electronic access only to: (A) the docket maintained by the court; and (B) an opinion, order, judgment, or other disposition of the court, but not any other part of the case file or the administrative record"). The case has been re-categorized as a general habeas case and remote electronic access to the documents on the docket

has been restored accordingly. Therefore, Petitioner's motion will be denied as moot.

IT IS THEREFORE ORDERED that Petitioner's Motion to Unseal and Unrestrict Case and Docket [Doc. 16] is DENIED as moot.



UNITED STATES CHIEF MAGISTRATE JUDGE